

BEST AVAILABLE COPY

REMARKS

The present application is a Continuation Application Under 37CFR§1.53(b)(1) of U.S. Patent Application Serial No. 09/930,680 entitled TONNEAU COVER END PLATE SECURING MECHANISM HAVING A RADIAL ENGAGING SURFACE, filed August 14, 2001, which claims priority to U.S. Provisional Patent Application Serial No. 60/225,109 entitled, TONNEAU COVER HAVING REAR BAR LOCK, filed August 14, 2000.

Prior to the first substantive Office Action for the Continuation Application filed herewith, please enter the aforementioned amendments.

With respect to the Title of the application, it is understood that the Examiner has the prerogative to accept or deny a proposed amendment to the Title. It will be appreciated if the proposed amendment to the Title is accepted as the rewritten above (change to Specification at page 1, line 1 of the Specification), as the proposed titled more appropriately describes the invention for which claim coverage will be sought in the present application. In this regard, it is respectfully noted that the "parent" of the present application is one of four side by side ("sibling") applications filed March 14, 2001 claiming priority to the aforementioned Provisional Application filed March 14, 2000. One of the four "sibling" applications, co-pending U.S. Patent Application Serial No. 09/930,680 entitled TONNEAU COVER END PLATE SECURING MECHANISM HAVING A RADIAL ENGAGING SURFACE, filed August 14, 2001, is the parent of the present application and another is perhaps more closely related, U.S Patent Application No. 09/929,991 filed August 14, 2001, entitled TONNEAU COVER HAVING REAR BAR LOCK, now U.S. Patent No. 6,543,835, issued April 18, 2003. While direct priority to Application No. 09/929,991 is not asserted in the present application, the specifications of the "sibling" applications are sufficiently duplicative to support the present claims and priority to the

BEST AVAILABLE COPY

underlying provisional application through co-pending U.S. Patent Application Serial No. 09/930,680 is appropriate.

The claims of the underlying application have been amended to cancel original claims 1-16 without prejudice and to add new claims 17-70. Claims 1-16 having been canceled without prejudice and new claims 17-70 having been added, the claims now pending in the present application are claims 17-70.

Enclosed with the copy of the prior application, for which a Continuation Application is now requested under 37 CFR §1.53(b)(1) are copies of the Formal Drawings reference hereinabove and a check for the appropriate filing fee. If any further fees are due or if a refund is due with respect to the present filing, please charge or credit the appropriate amount to the deposit account of the law firm of undersigned attorney, Deposit Account No. 13-4300. Thank you.

With respect to the drawings, it is noted that the original drawings, filed herewith, were amended in each of the aforementioned "sibling" applications, one of which is the parent application to the present application. Amendments to the original drawings, identical to the amendments made and accepted in the parent application and its sibling applications, have been made to the original drawings in the present application in the drawings presented herewith as the Formal Drawings. Acceptance of the amendments and this set of drawings are respectfully requested.

Although amendments have been made to the present application, it is respectfully submitted that the amendments made find support in the parent application and that no new matter has been submitted.

Also enclosed is an Information Disclosure Statement and a Form PTO 1449 listing information disclosed to the United States patent and Trad mark Office with

BEST AVAILABLE COPY

respect to the present application. If the undersigned attorney can be of any assistance with respect to formal matters associated with the present application, the Examiner and/or staff in the United States Patent and Trademark Office are respectively urged to contact the undersigned attorney by telephone at the telephone number provided below. Thank you.

If the undersigned attorney can be of any assistance with respect to formal matters associated with the present application, the Examiner and/or staff in the United States Patent and Trademark Office are respectively urged to contact the undersigned attorney by telephone at the telephone number provided below. Thank you.

Respectfully submitted,

For the Applicants

By their Attorneys:

MOORE, HANSEN & SUMNER
2900 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402
(612) 332-8200

Date: April 29, 2004 By Robert C. Freed
Robert C. Freed, Registration No. 32,569

Certificate of Facsimile Transmission under 37 CFR 1.8(a)

I hereby certify that this correspondence is being facsimile transmitted to 703-872-9306 of the United States Patent and Trademark Office on the date indicated below.

4-29-2004
Date

Teresa L. Herron
(person transmitting paper or fee)

Steven Hurron
(Signature of person transmitting paper)

P:\Client Files\Bob Freed\Agilcoover\011-05-US030917 Prefim. Amendment.doc